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**MAR 1 8 2005**

**OFFICE OF PETITIONS**

In re Application of	:	
Rachel J. Painter et al.	:	
Application No. 09/622,510	:	DECISION DISMISSING
Filed: October 19, 2000	:	PETITION UNDER 37 C.F.R. §1.137(b)
Attorney Docket Number: 2870/319	:	AS MOOT
Title: GEL-BASED COSMETIC	:	
COMPOSITION	:	

This is a decision on the petition filed January 20, 2005, pursuant to 37 C.F.R. §1.137(b)<sup>1</sup>, to revive the above-identified application.

A non-final Office action was mailed June 30, 2004, which set a shortened statutory period for reply of three (3) months. January 20, 2004, the instant petition was received, along with a response, a petition for a three-month extension of time, and an authorization to charge any fees which may be required.

Extensions of time are still available.

As such, the instant petition is hereby **DISMISSED AS MOOT**, as the instant application is not abandoned.

<sup>1</sup> A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

A four-month extension of time has been charged to Petitioner's Deposit Account, to make timely this response. The petition fee has not been charged.

After the mailing of this decision, the application will be forwarded to Technology Center 1600 for further processing of the remarks filed concurrently with this petition.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



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